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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 ROB DELSMAN,
17
18 Plaintiff,

19 v.

20 GENERAL ELECTRIC COMPANY,
21
22 Defendants.

Case No. CV-09-02414 SBA

**~~PROPOSED~~ ORDER DISMISSING
PLAINTIFF'S COMPLAINT WITH
PREJUDICE PURSUANT RULE 41(B).**

Date: March 13, 2012
Time: 1:00 p.m.
Ct.m.: 1, 4th Floor
Judge: Hon. Sandra Brown Armstrong

COMPLAINT FILED: June 1, 2009
TRIAL DATE: July 9, 2012

1 This matter comes before the Court on Defendant General Electric Company's
 2 ("Defendant") motion to dismiss with prejudice the claims of Plaintiff Robert Delsman ("Plaintiff").
 3 On October 28, 2011, Defendant filed a Motion to Dismiss Plaintiff's Complaint for Failure to
 4 Prosecute, or, Alternatively, to Stay Litigation. (Dkt. 39). Plaintiff's response was due by
 5 November 11, 2011. Plaintiff failed to respond to the motion by this deadline. This Court *sua*
 6 *sponte* afforded Plaintiff an additional opportunity to oppose Defendant's motion to dismiss, and
 7 ordered that Plaintiff should file his response no later than February 16, 2012. (Dkt. 40). This Court
 8 warned that "the failure to file an opposition by the deadline set by the court will be deemed grounds
 9 for dismissing the action under Rule 41(b), without further notice." (Dkt. 40). On February 16,
 10 2012, Plaintiff responded that he and the Practice Administrator, David Springfield, "do not oppose
 11 the motion to dismiss; agree and request that this Court does dismiss this action at this time." (Dkt.
 12 43). Plaintiff gave his informed consent to dismiss this civil action. *Id.*

15 Having considered the foregoing, the Court hereby dismisses this case WITH PREJUDICE
 16 pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

17 **IT IS SO ORDERED.**

18
 19 DATED: 2/22/12


 20 HON. SAUNDRA B. ARMSTRONG

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